

November 4, 1996

Secretary, Federal Communications Commission 1919 M Street N.W. Washington, DC 20554

SUBJECT: Petition & Pleading by Sun City Summerlin

Community Association, Inc. (SCSCAI)

RE: IB Docket No. 95-59 & CS Docket No. 96-83

Dear Mr. Secretary:

Per the Report and Order by the Commissioners on the subject Dockets' adopted on August 5 and released on August 6, 1996, we are petitioning the FCC following the directions stated in the Commission's Memorandum Opinion and Order.

The purpose of this letter is to seek the Commissions' post approval of SCSCAI's mode of operation in assuring our owner/residents of equitable satellite/cable access and competition. Our operations have availed to our Association members the best possible turnaround time for installation, cost of service, and reception. We have done this while not sacrificing the aesthetic standards to which these same members have expressed as their minimum desired criteria governing the community in which they chose to live.

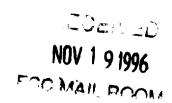
BACKGROUND

The Community is a planned common-interest of approximately 2,474 total acres in size with approximately 7,700 residential units for senior adult occupancy, of which 6,100 have been completed as of this date. Within the Community, parcels have been designated for use as commercial developments, all in accordance with the General Plan for Sun City Summerlin, which is part of the Summerlin master development plan approved by the City of Las Vegas. This is the #1 retirement destination in the Nation and is Nevada's #1 Adult Community. It enjoys this reputation due to its total planning which includes the aesthetics controlled by the Covenants, Conditions, & Restriction (CC&R's) now in place.

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The following attachments have been provided to give the FCC reader a clear understanding of what the Sun City Summerlin buyer contemplates when deciding to purchase a property in our community.

Appendix A

Appendix A is a portion of the sales collateral material the buying prospect receives to inform him or her as to the standards to which the community will be held. Our buyer considers this a **protection** against future neighborhood erosion of aesthetic living standards. Please pay specific attention to item 8: Antennas.

Appendix B

Appendix B is an excerpt from the Sun City Summerlin Covenants, Conditions and Restrictions (CC&Rs), the very document and authority that governs the level of community standards to be maintained. Again, our residents very much approve of these standards as evidenced by their prolific voluntary contributions in the governance of their community and the enforcement of strict compliance with the standards buyers agreed to when affecting their purchase thereto.

Per the Commission's report, we ask for its approval of our CC&R's and Development Standards covering Satellite Dishes that will allow us to continue this mode of successful operation.

Respectfully,

J. Paul Smith President, SCSCAI 9107 Del Webb Boulevard Las Vegas, NV 89134 (702) 256-5510

JPS/kd Attachments

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Appendix A

October 21, 1996

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8. Antennas. Satellite dish or other devices for the reception or transmission of television or radio (including ham radio) signals are only allowed to be erected outdoors on any lot or parcel after approval of the Architectural Committee.

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FOO MAIL BOOK



Covenants, Conditions and Restrictions

You have chosen to live in one of the most beautiful, well-regulated communities in the Las Vegas area.

It will remain an attractive community because the homeowners support strict compliance with the Covenants, Conditions and Restrictions (CC&Rs). Most residents chose Sun City because of the restrictions. In order to preserve the overall aesthetics and ambiance certain activities and property uses must be restricted.

The following are items covered in the CC&Rs which warrant emphasizing:

- Age Restrictions. Each dwelling in Sun City shall
 be occupied by at least one (1) person not less than 55 years of age and no person under 19 years of age shall reside in any dwelling.
- 2. Animals. Only domestic pets are permitted and they shall not be allowed to make an unreasonable amount of noise or create a nuisance. No structure for the care, housing or confinement of any animal, bird, etc., shall be maintained so as to be visible from neighboring property. Pets must be controlled by a leash and owners must immediately remove and dispose properly of solid waste.
- 3. Storage Sheds. No storage shed shall be placed on any lot so as to be visible from a neighboring lot.
- 4. Outside Storage. No furniture, fixtures, appliances or other goods not in active use shall be stored as to be visible from neighboring property or common areas.

- 5. Maintenance of Landscaping. Landscaping will be maintained to provide a neat and attractive appearance. Removal of weeds, dead plants, grass clippings, trash and debris is required to meet this objective.
- 6. Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any lot or parcel. No odors or loud noises, unsanitary, unsightly, or offensive activity detrimental to property in the vicinity shall be permitted.
- 7. Building Repair. Dwellings and structures must at all times be kept in good repair, adequately painted or otherwise finished.
- * 8. Antennas. No antenna, satellite dish or other device for the reception or transmission of television or radio (including ham radio) signals shall be erected, used or maintained outdoors on any lot or parcel.
 - 9. Trash Containers and Collection. No garbage or trash shall be kept on any lot except in approved containers. In no event shall such containers be maintained so as to be visible from neighboring property or the street unless being made available for collection, and then for the shortest time possible. All rubbish, trash or garbage shall be removed from lots and parcels and not be allowed to accumulate there.
 - 10. *Signs.* No signs whatever, visible from neighboring property, shall be erected or maintained on any lot or parcel, except:

* Reference Antennas insert (Page 1 of 3).

- a) Signs required by legal proceedings.
- b) No more than one identification sign for individual residences.
- c) Signs, such as For Sale signs, the nature, number and location of which have been approved by the Architectural Review Committee.
- 11. Walls. There are eight detailed sections in the CC&Rs dealing with Party Walls. These should be carefully reviewed when seeking to locate a wall on joint property lines. Walls on golf course or green belt lots have special setback height requirements. No wall exceeding 3.5 feet is permitted within 18 feet of the front lot line. No side or rear wall or hedge exceeding six feet in height (unless mandated by topographical considerations) shall be permitted. No chain link or wooden fences or gates are permitted.
- 12. Trucks, Trailers, Recreational Vehicles, Campers and Boats. All such vehicles require a permit from the Compliance Office to park on Sun City streets or private driveways. Permits are for a maximum of 72 hours in any month and are issued for a minimum of 12 hours per occurrence. Vehicles which fit in a garage are exempt if used regularly for basic transportation.
- 13. Motor Vehicles. No automobile, motorcycle or other motor vehicle shall be constructed or repaired on any lot or parcel so as to be visible from neighboring property or the street. No inoperable vehicle may be stored or parked on any lot.
- 14. Parking. Vehicles are to be kept in garages or driveways of the owners. Where space permits, this includes guests and visitors. Parking is also restricted to designated lots when visiting Sun City facilities and commercial centers, whenever these suffice to accommodate the number of vehicles.
- 15. Residential Use Restrictions. Per the Tract Declaration, property must be devoted only to single-family residential use. No gainful occupation, profession, trade or other non-residential use may be conducted on such property.
- 16. Golf Course and Greenbelt Lots. These lots have special restrictions in the CC&Rs and the Development Standards governing plantings, walls and artifacts within a fifteen-foot setback from the rear property line.

17. Architectural Review Committee (1862) This committee is responsible for approving landscape plans, any alteration or modification to the architecture as built by the developer (including exterior paint color), and any modification of the original drainage pattern. This requirement for prior approval includes, ramadas, enclosure of patios, canopies, awnings, exterior lighting, additional concrete, coloring of walks and driveways, and modifications to previously approved plans. An application with a set of plans must be submitted and approval granted before work is started. The committee will retain one set of the plans.

This summary of our governing rules is meant to call attention to some of the major items. It is by no means comprehensive. Please take time to read the CC&Rs and the Development Standards for complete details of your responsibilities.

Violations of the CC&Rs, the Development Standards or other rules promulgated by the Sun City Summerlin Community Association are investigated by the Compliance Office. This office, under the Deed Restriction Enforcement Committee, is an arm of the Association's Board of Directors. The office receives complaints of infractions, investigates and attempts to resolve the complaint, and refers any unresolved violations to the Hearing Panel. The Panel, after allowing the homeowner to rebut the charges, recommends to the Board of Directors that they dismiss the complaint or that sanctions be imposed for continued breach of the rules. These sanctions can range from suspension of Association membership privileges to daily fines as long as the infraction exists.

For additional information or to lodge a complaint, you may contact the Compliance Office at 363-0212.



9107 Del Webb Boulevard Las Vegas, NV 89128 (702) 363-6004 8 9 0 1 0 9 0 0 2 2 0

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SUN CITY SUMMERLIN

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,
ASSESSMENTS, CHARGES, SERVITUDES, LIENS,
RESERVATIONS AND EASEMENTS

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FOC MAIL BOOM

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- 4. A Satellite Dish may be installed with the following limitations:
 - a. The maximum size of a Satellite Dish shall be 1 Meter (39") in diameter.
 - b. For single family <u>detached</u> homes, 1 Meter (39") Satellite Dish must be ground mounted in rear or side yards. If adequate reception cannot be obtained, then they may be ground mounted in front yards with sufficient screening. If this does not provide adequate reception then other options will be considered on a case-by-case basis. If installed in side yards, they shall be mounted no closer to the front property line than the front edge of the garage or house. The maximum installed height from ground to top of dish shall be 50". (Amended 10/96)
 - c. For <u>attached</u> family homes, 1 Meter (39") Satellite Dish must be ground mounted only in the rear yard with sufficient screening and not in the common area. They can be ground mounted in the front yard if adequate reception cannot be obtained. Maximum height from the ground to the top of dish shall be 50". (Amended 10/96)
 - d. Any transmission cable from the Dish to the house must be underground.
 - e. A ground mounted Satellite Dish must be screened or disguised by materials such a shrubs, imitation boulders, etc., appropriate to the site as approved by the ARC.
 - f. The ARC will inspect the final Dish installation for compliance with the ARC approved plan.